

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION : CIVIL ACTION
TRUSTEE FOR THE PHFA :
: :
v. : :
: :
AISHA RHODES : NO. 17-1774

FILED

APR 28 2017

KATE BARKMAN, Clerk
By _____ Dep. Clerk

2741 ORDER

AND NOW, this day of April, 2017, upon consideration of defendant Aisha Rhodes' motion to proceed *in forma pauperis* and her notice of removal, it is ORDERED that:

1. The defendant is GRANTED leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.
2. The Clerk of Court shall file the notice of removal.
3. This case is REMANDED to the Philadelphia Court of Common Pleas, pursuant to 28 U.S.C. § 1447(c), because this Court lacks subject matter jurisdiction.¹

¹ The defendant filed a notice to remove a mortgage foreclosure action that U.S. Bank National Association Trustee for the PHFA filed against her in the Philadelphia Court of Common Pleas. A defendant "may remove to the appropriate federal district court 'any civil action brought in a State court of which the district courts of the United States have original jurisdiction.'" *City of Chicago v. Int'l Coll. of Surgeons*, 522 U.S. 156, 163 (1997) (quoting 28 U.S.C. § 1441(a)). The defendant alleges violations of the federal Fair Debt Collection Practices Act and the Truth in Lending Act in connection with the foreclosure action, and claims that removal is therefore appropriate because the Court has federal question jurisdiction under 28 U.S.C. § 1331. However, "[i]n order for a case to be removable under § 1441 and § 1331, the well-pleaded complaint rule requires the federal question be presented on the face of the plaintiff's properly pleaded complaint." *Krashna v. Oliver Realty, Inc.*, 895 F.2d 111, 113 (3d Cir. 1990) (quotations omitted); see also *Aetna Health, Inc. v. Davila*, 542 U.S. 200, 207 (2004). In contrast, a defendant's intention to raise federal defenses to the claims against him does not establish a basis for removal. See *Bracken v. Matgouranis*, 296 F.3d 160,

4. The Clerk of Court is directed to CLOSE this case.

BY THE COURT:



Cynthia M. Rufe, J.

163-64 (3d Cir. 2002). Here, the complaint filed by U.S. Bank National Association Trustee for the PHFA does not reveal any federal questions on its face. Accordingly, the defendant's assertion of violations of federal law as a defense to that complaint does not establish a basis for removal. See *Green Tree Servicing LLC v. Dillard*, 88 F. Supp. 3d 399, 402 (D.N.J. 2015). As the notice of removal does not reveal any other basis for this Court's jurisdiction, the Court will remand this case to the Philadelphia Court of Common Pleas.